

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCOS VILLELA,

Defendant.

8:08CR271

ORDER

Defendant Marcos Villela (Villela) appeared before the court on August 9, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 44). Villela was represented by Adam J. Sipple and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Villela waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Villela should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Villela declined to present any evidence or request a detention hearing. Since it is Villela's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Villela has failed to carry his burden and Villela should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:30 a.m. on October 10, 2013**. Defendant must be present in person.

2. Defendant Marcos Villela is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 9th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge